BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:**18.12.2019**
CORAM:
THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA
W.P(MD)No.25621 of 2019

V.Udayalakshmi ... Petitioner

Vs.

1.The General Manager,
Regional Office,
Indian Overseas Bank,
65/A, 1st and 2nd Floor,
Shanmugam Complex,
East Car Street,
Thoothukudi.

2.The Branch Manager,
Indian Overseas Bank,
Sawyerpuram,
Thoothukudi District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to sanction the Educational Loan Rs.5,20,000/- to the petitioner for studying her 1st year and subsequent years in B.Sc., Nursing Course based on the petitioner's online application dated 30.10.2019.

For Petitioner : Mr.A.D.Ganeshmoorthi
For Respondents : Mr.Pandivel
Standing Counsel

ORDER

Heard Mr.A.D.Ganeshmoorthi, learned counsel appearing for the petitioner and Mr.Pandivel, learned Standing Counsel appearing for the respondents.

2.This Writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, directing the second respondent to sanction the Educational Loan Rs.5,20,000/- to the petitioner for studying her 1st year and subsequent years in B.Sc., Nursing Course, based on her online application, dated 30.10.2019.

3. In the affidavit filed in support of the petition, it has been averred that the petitioner, who is pursuing B.Sc., Nursing Course, has applied for Educational Loan of Rs.5,20,000/- as Tution Fees and other fees, with the respondent/Bank in Sawyarpuram Village, for four years. Further, it is stated that the petitioner is hailing from a poor agricultural coolie family

and she would be the first graduate in her family, if she completes the Course.

4.The learned counsel appearing for the respondents very categorically stated that the schemes of Educational Loan are provided to the students, who are need-based and meritorious. The students, who have obtained admission to eligible courses through merit-based selection process, such as common entrance exam, could be considered as a "meritorious student" and if the students obtained admission purely based on the marks scored in the qualifying examinations, the respondent/Bank is entitled to fix the cut off mark for the loan eligibility, as per IBA revised model educational loan scheme. He further stated that as per the said scheme, the respondent/Bank has fixed the cut off mark as 60% for the students' Educational Loan eligibility. As the petitioner/student had obtained 54.50% marks, the respondent Bank cannot consider her application.

5.Pending the said writ petition, this Court by order dated 13.12.2019, directed the respondent/Bank to consider the case of the petitioner sympathetically. Pursuant to which, a reply has been addressed to the petitioner herself stating that though the matter was taken to consider the loan application on sympathetic ground, the respondent/Bank cannot grant any loans beyond the circulars and Policies of RBI. Hence, the loan application of the petitioner is rejected.

6.In view of the above, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

NS

+1 CC to MR.R.PANDIVEL, Advocate (SR-105656[F] dated 18/12/2019)
+1 CC to MR.A.D.GANESHA MOORTHI, Advocate (SR-105862[F] dated 19/12/2019)

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